



Attorney Docket no: PHO-105

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dees et al.

Serial No.: 09/130,041

Filed: August 6, 1998

For: Improved Method For Targeted Topical Treatment
Of Disease

Examiner: Thomas C. Barrett

Art Unit: 3738

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Shannon Wallace

Name of applicant, assignee, or Registered Rep.

Shannon Wallace
Signature

11/1/03
Date

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97, as revised on February 4, 1992, 1135 OG 23-24, Applicant hereby calls the Examiner's attention to documents listed on the attached form, which documents may be material to the examination of this application. A copy of each of these references is enclosed herewith.

No inference should be drawn that the attached list sets forth a comprehensive investigation of the prior art, that any or all are pertinent to the invention, or that any apparatus disclosed is equivalent to the subject invention.


The citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be

construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

As an Office Action has not yet issued on this application, no fee is believed necessary for this IDS. In addition, these documents were cited in an Office Action dated December 3, 2004 in USSN 09/817,448. If a fee is required, please charge our Deposit Account No. 50/1039.

Respectfully submitted,


Mark J. Murphy
Registration No.: 34,225

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January 10 2005

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| Sheet | 1 | of | 2 |
|-------|---|----|---|

| | |
|------------------------|-------------------|
| Application Number | 09/130,041 |
| Filing Date | August 6, 1998 |
| First Named Inventor | Dees et al. |
| Art Unit | 3738 |
| Examiner Name | Thomas C. Barrett |
| Attorney Docket Number | PHO-105 |

[illegible]

| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|--------------------------|---|-----------------------------------|--|---|----------------|
| Examiner Initials* | Cite No. ¹ | Foreign Patent/Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ⁶ |
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | | |
| | 5 | WO 96/07431 | 3/14/1996 | Gaboury et al. | | |
| | 6 | WO 97/03697 | 2/6/1997 | Bottiroli et al | | |
| | 7 | WO 97/26920 | 7/31/1997 | Hansjorg | English Abstract | |
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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|---|------|--------------------------|-------------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | Complete if Known | |
| | | Application Number | 09/130,041 |
| | | Filing Date | August 6, 1998 |
| | | First Named Inventor | Dees et al |
| | | Art Unit | 3738 |
| | | Examiner Name | Thomas C. Barrett |
| Sheet 2 | of 2 | Attorney Docket Number | PHO 105 |

| OTHER PRIOR ART—NON PATENT LITERATURE DOCUMENTS | | | |
|---|-----------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | 8 | Xanthenes: Fluorone Derivatives, THE JOURNAL OF ORGANIC CHEMISTRY 57(1992) JULY 31, no. 16, Washington, DC pps 4418-4421 | |
| | 9 | (Svensk Farmaceutisk Tidskrift (1973) 77 (13): 641-647 (Abstract) | |
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| Examiner Signature | | Date Considered | |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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